

**COMMONWEALTH OF VIRGINIA
BOARD OF CORRECTIONS
LIAISON COMMITTEE MINUTES**

Regular MeetingMarch 16, 2004

Location6900 Atmore Drive, Richmond, Virginia

Presiding Chairman..... Roy Cherry, Chairman, Board of Corrections

PresentClay Hester, Board of Corrections
Sterling Proffitt, Board of Corrections
James Burrell, Board of Corrections
Jacqueline Fraser, Board of Corrections
Barry Green, Deputy Secretary of Public Safety
James W. Matthews, Compensation Board
Chris Webb, Superintendent, Blue Ridge Regional Jail
Rev. Hulon Willis, Peumansend Creek Regional Jail
Stuart Kitchen, Sheriff, Sussex County Jail
B. J. Roberts, Hampton City Jail
Thomas D. Jones, Charlotte County Jail
John Roberts, Newport News City Farm
Frederick D. Hildebrand, CFFW Regional Jail
Jack Dewan, Virginia Association of Regional Jails
Judge W. P. Lemmond, Jr. (Retired)
David Harker, Parole Board
Gene Johnson, Director, DOC
Gary Bass, Chief of Operations, DOC
Joe Hagenlocker, Compliance & Accreditation DOC
Ron Elliott, Compliance and Accreditation, DOC
Kim Lipp, Architecture and Engineering, DOC
Donna Foster, Liaison Committee Secretary, DOC

I. January Minutes

Minutes from the January 13, 2004 meeting were motioned for approval, seconded and passed.

II. Minutes Summary

- Mr. Cherry thanked Sterling Profitt for chairing the January Liaison Committee meeting during his absence for the ACA Conference.

- Kim Lipp presented the Capital Program update. St. Brides phase I is almost completed, scheduled for a June completion date. She said the Governor's budget proposed funding for phase II at St. Brides and a Deerfield expansion which will provide 600 additional beds plus a new 1,000 bed prison. The Senate budget adds another 1,000 bed prison plus planning initiation for a third. The House only supported the Governor's proposal.
- Ron Elliot presented the prison population report. The Vermont prisoners have been returned freeing up approximately 500 beds. Mr. Cherry noted that this was the largest drop in the out of compliance rates, which has been a matter of great concern for the Liaison Committee members. If the funding request to fund the beds currently used by the Connecticut inmates is denied, the beds would have to continue being used by those inmates. Barry Green noted that the DOC is accepting a risk in having returned the Vermont inmates without funding approval for those beds. Gary Bass stated that the DOC will absorb the costs of the 500 Vermont beds until July. He also stated that the DOC is currently working with a pre-release program in exchange for jail inmates helping to reduce the out of compliance rates. The pre-release inmates are transitioning back into the community within short periods of time and they are exchanged for longer term inmates. Sterling Proffitt asked if there was an emergency fund available to the governor in the event that no budget is agreed upon. Barry Green stated that the constitution states that the budget must be approved by the General Assembly, the Governor does not have emergency funding powers, but feels certain that the General Assembly will reach some type of agreement to prevent the shut-down of all state government operations from State police to prisons and schools. Gary Bass discussed options under consideration to reduce the populations, from detention and diversion to revocation hearings and bail/bond usage to reduce processing times necessary for the courts to hear the case. Also he spoke of the increased use of home electronic monitoring. B. J. Roberts discussed the Senate proposal, objective risk assessment tool to hopefully divert offenders into a supervision status. Sterling Proffitt discussed current parameters that enable the regional jail superintendent or sheriff to place an offender in home electronic monitoring without court intervention. Judge Lemmond noted that discussion at the judicial conferences has encouraged home monitoring on the advice of the sheriff or superintendent. Ron Elliot further discussed upcoming BOC funding requests for addition jail construction.
- Jim Matthews advised of continued discussion on the budget and reported that the local facilities have been advised of direct impacts on differing scenarios within the budget.
- Sheriff Stuart Kitchen reported that he had received an official opinion from the Attorney General's office regarding good time. Civil commitment time does not apply in the opinion of the A.G. and does not qualify for good time reimbursement.

- Barry Green reiterated that the Connecticut inmates are expected to be returned starting in August or September. The Nottoway Work Center is slated to reopen July 1st adding 200 beds. 5 new jails are anticipated to be built if funding is approved by the General Assembly and two new prisons are proposed in this budget. Therefore, he is predicting some up and down out of compliance numbers that will eventually “roller coaster” by the end of the biennium. He requested that jails having extreme problems notify him, Ron (Elliot), or Gary (Bass) and problems will be address in the most appropriate manner possible.
- Mr. Cherry expressed his disappointment in having missed the January meeting as there were representative from the Department of Mental Health, Mental Retardation and Substance Abuse Services to address problem issues within the jails but he can foresee assistance in the future for jail inmates. He anticipates additional burden being placed at the local level. He sits on a couple committees that discuss the issue and feels this is the coming wave of the future. He stated that Hampton Roads Regional Jail has been named in a proposed mandate requiring a study to look at an expansion for mental health purposes. Of course this proposal is involved with legislation and will not know the conclusion until the General Assembly adjourns. Some of this legislation has been presented in a distorted manner such as stating the average cost per day per inmate is \$90, without consideration of special needs inmates. Also, the issue of treating people with mental health needs in the local community being a preferred method. No consideration seems to have been made of where that would be. A local jail is less appropriate than a regional mental health facility in some cases, but this issue has not been raised. James Burrell mentioned the dollar cost of prevention verses correction and suggested state funding be used in the schools for prevention of criminal activity. Barry Green stated that the Department of Juvenile Justice had a program in place but funding was gradually reduced or eliminated. The Department of Mental Health (etc.) offers some services, but, unfortunately these teenagers are already recognized as having problems with mental health, substance abuse or other issues managed by that agency. The kids named high risk present small percentages of the criminal population which makes channeling the prevention dollar virtually impossible. Judge Lemmond stated that prevention is not the responsibility of the Department of Corrections. It is a function of the Department of Mental Health. Some cooperative efforts are useful, but primary functions must be the responsibility of the appropriate agency. Chris Webb stated that jails are ill-equipped to handle mental health needs, but a suicide will attract attention from the entire community.
- Chris Webb discussed a potential problem with the interpretation of Standard 6VAC15-40-1040, supervision of inmates in the local jails. The standard provides for 24 hour supervision of all inmates by trained personnel. All inmate housing areas shall be inspected a minimum of twice per hour at random intervals between inspections. All inspections and unusual incidents shall be documented. No

obstructions shall be placed on the bars or windows that would prevent the ability of jail staff to view inmates in the entire housing area. This is a Life/Health/Safety standard. The compliance documentation specifies trained is interpreted as completion of mandatory required training. This would be basic in-service and basic CPR. Mr. Webb stated that he sat on the committee who discussed the intent of this standard and the intent was not to require checks of all housing areas be done by staff who had completed basic jailers school. This intent was determined after the committee had reviewed the standards. He agrees that some sort of on the job training is necessary, but as it stands, new jail officers would be of no value until they completed basic jailers class, which could take an entire year to accomplish. He requested some clarification to expand inclusion of staff with on the job training. Many members were in agreement with Mr. Webb's request. Joe Hagenlocker stated that this issue was never brought up to him and had been in practice for about a year and a half, but he would be happy to take a look at it provided he had further information on the intent of the committee.

- Gene Johnson express a desire to have a budget in place as soon as possible to enable the Department as well as the jails to further address the overcrowding issues.
- Gary Bass shared some information from the ACA Conference. He stated that the federal prisons had a program where they were using inmates to observe suicidal inmates with good results. This allows for continuous, 24-hour observation. This is under consideration by the DOC as a possible program basis. He also notified the committee that Jim Sisk, effective March 10, 2004, he is now the in the new position of gang and security threat group coordinator.

By motion duly made by Chairman Roy Cherry and seconded by several members present, the meeting adjourned.